



# MISSOURI DEPARTMENT OF MENTAL HEALTH

DORN SCHUFFMAN, DEPARTMENT DIRECTOR



DEPARTMENT  
OPERATING  
REGULATION  
NUMBER

DOR  
6.155

CHAPTER Human Resources	SUBCHAPTER Personnel Administration	EFFECTIVE DATE 7/1/2002	NUMBER OF PAGES 2	PAGE NUMBER 1 of 2
SUBJECT Temporary Modified Duty		AUTHORITY Section 630.050, RSMo	HISTORY See Below	
PERSON RESPONSIBLE Deputy Director, Human Resources			SUNSET DATE 7/1/2004	

**PURPOSE:** To set guidelines for temporary modified duty with the goal of reducing employee absences and commensurate costs.

**APPLICATION:** Applies to the entire department. Applies to work-related and non work-related injuries and illness.

(1) As used in this Department Operating Regulation (DOR), and in facility policies, the following terms mean:

(A) "Temporary Modified Duty", a temporary work assignment that meets the needs of the facility and the employee during the employee's recovery after an injury or illness. The temporary modified duty assignment shall not exceed six weeks unless exceptions are approved by the appointing authority or designee, based on recommendations from the person licensed to treat.

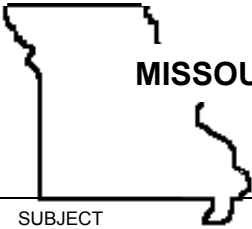
(B) "Person Licensed to Treat", any person licensed to diagnose and treat physical or mental conditions.

(C) "Regular Wages", for the purposes of this policy, regular wages shall mean the current base pay rate. It is comprised of the hours worked or paid leave and shall be pro-rated according to the monthly or hourly base pay rate. Base pay rate shall include differential as designated by the personnel advisory board if temporary modified duty is performed on the evening or night shift.

(2) When considering an employee for temporary modified duty, the appointing authority or designee shall comply with requirements of the Americans with Disabilities Act, Workers' Compensation, the Family Medical Leave Act, and all other applicable state and federal requirements.

(3) An employee who requests temporary modified duty shall provide written documentation from the person licensed to treat, including but not limited to restrictions resulting from the injury or illness and the anticipated duration of the employee's limitations. The appointing authority or designee may verify all medical conditions and may, at its own expense, request a second opinion.

(4) When determining whether an employee will be given temporary modified duty, the appointing authority or designee shall consider the nature of the illness or injury, the anticipated duration of the employee's restrictions, recommendations of the person licensed to treat, second opinions, availability of temporary modified duty work assignments, and other relevant criteria.



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(5) If an employee refuses to accept a temporary modified duty based on the written recommendations from the person licensed to treat, the employee shall provide written reasons for his/her refusal to the appointing authority or designee within 2 days. After receipt of the employee's written refusal, the appointing authority or designee shall meet with the employee within 5 days to discuss other options. The appointing authority or designee shall notify the employee of that decision in writing within 2 days after the meeting with the employee. The decision of the appointing authority or designee shall be final as to whether there is a temporary modified duty assignment and the nature of that assignment. The appointing authority or designee shall notify the employee of that decision in writing within 2 days after the meeting with the employee.

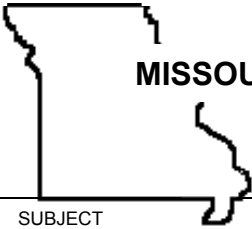
(6) If an employee with a written release to limited duty from their Health Care Provider refuses to accept a temporary modified duty assignment, the employee forfeits his/her rights to temporary modified duty provided that the facility has met the burden of a temporary modified duty assignment consistent with the limitations imposed by the Health Care Provider. Further, use of sick leave is not an option.

(7) The temporary modified duty may be terminated with written notification at any time by the appointing authority or designee or the employee. If the temporary modified duty is terminated by the employee for reasons other than to return to work, the employee will meet with the appointing authority or designee to discuss continued employment options.

(8) During the temporary modified duty assignment, the employee shall receive regular wages.

(9) At the request of the appointing authority or designee, the employee shall provide written statements from the person licensed to treat describing the employee's progress toward recovery.

*History: Original DOR effective January 1, 1999. Amendment effective July 1, 2002. On July 1, 2003 The sunset date was extended to July 1, 2004.*



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